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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/658,405 | 09/10/2003 | Thami Smires | A-8196. RNFMP/bh | 2238 |

7590 04/05/2007
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| EXAMINER |
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MEINECKE DIAZ, SUSANNA M

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3694

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 04/05/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/658,405

Applicant(s)

SMIRES ET AL.

Examiner

Susanna M. Diaz

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claim 1 is pending.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. The correction to Thami Smires' residence/post office address has not been initialed. See 37 CFR 1.52(c).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (US 2005/0071512 A1) in view of Hutchison et al. (US 2005/0102188 A1).

Kim discloses a system for controlling the processing of credit card and debit card transactions, between various types of point-of-sale terminal devices initiating the transactions transmitted ultimately to a plurality of credit card processors through a plurality of gateway networks, comprising:

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[Claim 1] a credit card server in communication with the plurality of gateways and the credit card processors, said credit card server receiving a credit card or debit card transaction request from the point-of-sale terminal devices through the plurality of gateway networks, said credit card server processing the transaction and sending the transaction to any of the credit processors (Kim (PG Pub): Figs. 1-3; ¶¶ 9, 18, 24, 25; Kim (Provisional Application No. 60/397,737): Figs. 1-3; Abstract; ¶¶ 4-7, 14, 15, 17, 20, 21);

a database connected to said credit card server for maintaining and reading information relating to the transactions and the point-of-sale terminal devices (Kim (PG Pub): ¶¶ 24-30 – The fact that the software automatically knows which data to gather and formats it according to the specific payment method selected means that the corresponding data fields and formatting information are stored in a database, i.e., a collection of data; Kim (Provisional Application No. 60/397,737): ¶¶ 15-22 -- The fact that the software automatically knows which data to gather and formats it according to the specific payment method selected means that the corresponding data fields and formatting information are stored in a database, i.e., a collection of data).

Kim does not expressly teach that said credit card server communicating with the terminal devices indicates the disposition of each of the transactions; however, Hutchison processes payment transactions through payment gateways and sends a transaction settlement result back to the seller's computer (e.g., a point-of-sale terminal) (Fig. 35; ¶ 133). Both Kim and Hutchison are directed toward processing customer (i.e.,

user)-seller (i.e., merchant) payment transactions through payment gateways; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Kim such that said credit card server communicating with the terminal devices indicates the disposition of each of the transactions in order to clearly make the sellers/merchants aware of whether or not the user/customer is financially reputable and approved for a particular financial transaction, thereby protecting the sellers/merchants from fraudulent purchases (as suggested in ¶ 9 of Hutchison).

Kim does not expressly disclose a transaction manager connected to said credit card server for managing a website allowing the merchant associated with each of the point-of-sale terminal devices to view their respective transactions as well as altering the transactions; however, Hutchison allows a seller to access transaction settlement reports via a Web browser (Figs. 33-35, 40; ¶¶ 46, 133, 138). The ability to view such reports more conveniently assists a seller in judging the current state of their business (¶ 138). Both Kim and Hutchison are directed toward processing customer (i.e., user)-seller (i.e., merchant) payment transactions through payment gateways; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Kim to include a transaction manager connected to said credit card server for managing a website allowing the merchant associated with each of the point-of-sale terminal devices to view their respective transactions in order to more conveniently assist a seller/merchant in judging the current state of their business (as suggested in ¶ 138 of Hutchison), which is important when

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trying to maintain the financial health of a business at least at acceptable levels for the survival of a business. Additionally, while Hutchison does not expressly teach that the merchant can alter the transactions via a website, Hutchison does allow the sellers to access transaction reports via a Web browser (Figs. 33-35, 40; ¶¶ 46, 133, 138) and sellers can respond to charge disputes raised by sellers (¶ 134). The administrative computer used by a customer service representative to enter refund or chargeback information agreed to by a seller can be entered via a Web browser (¶ 134), i.e., the seller can alter the transaction. While Hutchison does not explicitly teach that the seller completes the alteration of transactions via a website, Hutchison's sellers access transaction information via a merchant website (Figs. 33-35, 40), thereby indicating that Hutchison envisions the use of a website to communicate information to a seller.

Official Notice is taken that it is old and well-known in the art of communications to allow a merchant to communicate via a website. The use of the Internet and websites to communicate information reaps the benefit of relatively inexpensive, quick, and efficient global communications. Both Kim and Hutchison are directed toward processing customer (i.e., user)-seller (i.e., merchant) payment transactions through payment gateways; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Kim and the related Kim-Hutchison combination such that the transaction manager connected to said credit card server for managing a website allows the merchant associated with each of the point-of-sale terminal devices to alter the transactions in order to more conveniently assist a seller/merchant in judging the current state of their business (as suggested in ¶

138 of Hutchison) while promoting good customer service by allowing the merchant to quickly and efficiently respond to customer concerns related to financial transactions, all of which are important when trying to maintain the financial health of a business at least at acceptable levels for the survival of a business.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ferrier (US 2005/0177437 A1) – Discloses the payment of goods through a mobile electronic funds transfer device upon delivery of the goods.

Fisher et al. (US 2003/0126094 A1) – Discloses a payment system that processes credit and debit transactions through a third party authorization process.

Beard (US 2005/0065875 A1) – Discloses a system that authenticates and approves credit card transactions via a wireless communication device.

Swonk et al. (US 2003/0165138 A1) – Discloses a gateway server device that communicates with user devices.

Natsuno (US 2002/0138422 A1) – Discloses a credit card transaction system that processes requests from mobile stations through a gateway server.

Dickerman et al. (U.S. Patent No. 6,188,761) – Discloses a validation gateway that provides an interface to credit card validation systems to apply charges to customer credit cards.

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"Cynergy Introduces CHARGE ANYWHERE by Comstar Interactive, Inc."

Business Wire, page 2647, February 11, 2002 – Discloses Comstar Interactive, Inc.'s CHARGE ANYwhere™ wireless credit card processing solution.

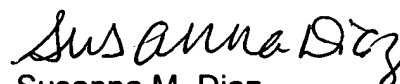
"Comstar's CHARGE ANYwhere™ Debuts as Most Robust, Functional Wireless POS Solution Available in Marketplace." PR Newswire, August 21, 2002 -- Discloses Comstar Interactive, Inc.'s CHARGE ANYWHERE™ wireless credit card processing solution.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Susanna M. Diaz
Primary Examiner
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March 28, 2007